

MUST USE THE LAW

Judge Burlingame Dissolves an Injunction

AGAINST THE LARD FACTORY

Stephen Weiden Sustained in His Fight Against the City—The Principal Points of the Case.

In the superior court yesterday morning Judge Burlingame rendered his decision in the case of the City vs. Weiden in favor of the latter. Weiden, who runs a lard factory near the D. G. H. & M. junction, was arrested several months ago, and convicted in the police court, on a charge of maintaining a nuisance. He claimed that his factory was located there before the city limits were extended, and consequently the ordinance under which he was convicted does not affect him. A temporary injunction was issued and the case referred to Circuit Court Commissioner Hughes. The evidence in the case was then submitted to Judge Burlingame, who, in rendering his decision, held that inasmuch as the city has a remedy at law it cannot act in equity. The powers of the board are defined in the ordinance, section 14 of which reads as follows: "Whenever in its judgment it shall be necessary for the public health, to at once take possession of any factory, hotel, dwelling, house, out-house, premises or grounds upon which in its judgment there exists any nuisance prejudicial to the public health; and if the owner or occupant shall refuse or neglect to forthwith abate such nuisance in the manner directed by said board, said board may cause the same to be abated forthwith in such manner as it deems proper and all expense incurred shall be a legal claim against the owner and an lien upon the premises, to be collected the same as other special assessments."

In response to the order, the complainant of the court said: "The proofs further show to the satisfaction of the court that the material rendered is taken from the markets in the city every afternoon and rendered the next day; there is testimony that there are odors unpleasant to many, not offensive to some, and almost delicious to others. That that effluvia is often borne on the winds a considerable distance, and at such times is disagreeable to many at great distances away. It is admitted that these works are not a nuisance per se, but it is claimed by the city attorney to be prima facie a nuisance; such a distinction through very fine is recognized in the law, while the same odors may be offensive to the defendant as applicable to this case. The defendant has introduced much testimony tending to show that while this odor is sometimes unpleasant to some, still it is not more so than many other employments that may affect the nerves of over-sensitive persons, but yet are such as are admitted to be necessary to the doing of business in a metropolis; such as the noise of vehicles passing over cobble stone pavement, the noise of cars passing through a city, the odor of soap mills though pleasant to many is very offensive to a few. The odor of tar in pavements is unpleasant to some, pleasant to others; that while either odor may offer an obstacle to the recovery of the very sick and still would in no wise produce disease but only annoyance."

Force May Be Used.

Discussing the claims that there is nothing to prevent this becoming a continued nuisance and that the city might be involved in a multiplicity of similar suits, the court said: "It appears very clear that if the ordinances above referred to are valid ordinances under the powers granted by the charter, and if the charter is a valid charter, and if without any sort of question fully complete and ample powers are given by these ordinances for the health officers of this city when they shall deem it necessary for the public health at once take possession of any factory in which in their judgment there exists any nuisance prejudicial to the public health, and if the owner shall refuse forthwith to abate such nuisance in the manner directed by said board, said board may cause the same to be abated forthwith in such manner as it deems proper, and all expenses incurred shall be a legal claim against the owner and lien upon the premises, to be collected the same as other special assessments. The board by this ordinance may also, when it deems it requisite for the public health, at once and by force, if necessary, close up such houses, buildings, etc."

"It is clear, therefore, that if these ordinances are valid, the nuisance, if it is a nuisance, or if the board of health deems it a nuisance whether it is or not, the board may proceed forthwith and by force abate it. It may also bring an action in the court and by fine and imprisonment, may, if the court find the party guilty, by term of imprisonment, put it beyond the power of the defendant to offend again in three months to violate the law."

NO CAUSE FOR ACTION.

That is the Verdict in the Suit Against Kennedy.

The case of Rike Koostera against Detective Kennedy for false imprisonment was tried a second time before Justice DeWolf yesterday, and the jury after being out two minutes brought in a verdict of no cause for action. The case grew out of the arrest of Koostera some time ago on a charge of taking \$25 paid to him by mistake on a check for 25 cents at the Old National Bank. At the trial Koostera was acquitted and he sued Detective Kennedy for damages for false imprisonment. At a former trial of this case the jury disagreed.

HE WILL RECOVER.

Patrolman Tatro is Improving and Will Live.

Patrolman William Tatro, who was murdered by a mob of "hobo" gang, was resting as well yesterday as could be expected.

He was attended by Doctors McEwen and Kelly, who say that they find no signs of a fracture of the skull. Providing that he receives no relapse in the form of inflammation, he stands a good chance of recovery.

It is probable that the punishment of the members already arrested will do much toward bringing the gang's career to an end.

Claimed They Didn't Know.

Edison Scott and Clint Williams, the two young men who put Detective Kennedy out of their buggy Sunday, pleaded guilty to being disorderly and were fined \$5 and costs each. They paid

and departed. They claimed they didn't know Kennedy was an officer.

CALLS IT AN OUTRAGE.

Sheriff McQueen Says City Prisoners Are Starved.

Sheriff McQueen, talking of his little squabble with Lieutenant Hurley, expressed himself as being very much disgusted with the way prisoners were turned over to him by the lieutenant. He says it is no uncommon occurrence for men to be kept in police headquarters over a day and a night without a mouthful to eat. He has had men come to him at the jail and beg for something to eat, saying they had been confined in headquarters without a mouthful. "They have no business keeping a man away from his meals," said Mr. McQueen. "It is an outrage, a damnable outrage."

Court Notes.

George W. Smith, by his attorney, has commenced suit against John R. White to recover \$1000 on two promissory notes.

The case of Andrew J. Kuder, charged with having his saloon open on Sunday, was adjourned until May 27.

The sentence of Charles Brooks, charged with larceny, less than \$25, was deferred until May 25.

LAW AND LAWYERS.

Superior Court.

JUDGE BURLINGAME.

In the matter of the opening of Yuba avenue, petition amended by striking out the word "wide" wherever it appears in the petition. The sheriff was ordered to present a list of twenty-four resident freeholders. Jury struck; venue ordered returnable June 14.

City of Grand Rapids vs. Stephen Weiden; in chancery. Injunction dissolved with costs to defendant.

Circuit Court—Part I.

JUDGE GROVE.

Elizabeth Kuhn administratrix vs. township of Walker, trespass on the case; stay extended thirty days.

Alexander Gravett vs. Township of Walker; trespass on the case.

SLEW HER RIVAL.

Terrible Result of a French Woman's Anger—Kills Her Husband's Mistress.

PARIS, May 24.—The Figaro relates a story of a murder which, in view of the Deacon case, is exciting great public interest. The story is to the effect that the wife of a government official had long suspected her husband of unfaithful conduct with the wife of a deputy. Discovering the guilty couple together Sunday night she drew a revolver and fired five bullets into the body of the woman who had captivated her husband's affections. This not killing her she drew a dagger and stabbed her repeatedly, the woman dying in a few minutes. The police were called in and the murder was taken to prison.

LIQUOR LAW STANDS.

School Districts in Minnesota Get the Benefit of Liquor Licenses.

ST. PAUL, Minn., May 24.—The state supreme court in a case brought before it from Sibley county has decided the special law providing for the payment to a particular school district of the money received from the sale of liquor licenses in a village embraced within such district to be constitutional. The courts hold that this special act does not conflict, as has been claimed, with certain clauses of the constitution, since it is not a grant of corporate privilege nor yet a special or exclusive privilege, immunity or franchise within the meaning of those clauses.

Must Replant.

MARQUETTE, Ill., May 24.—Hundreds of acres of corn planted in this section of the state prior to the recent heavy rains must be replanted. The seed has rotted in the ground. Farmers are generally discouraged owing to the lateness of the season and fear that they will be unable to put in a crop. Old-time farmers, however, recall the fact that there was a similar spring flood in 1858. The farmers planted their corn that year the first week of June and turned out the best corn ever raised in southern Illinois.

Boys Set Fire to a Gas Well.

MUSKEGON, Ind., May 24.—Johnny and Frank Gallivan, aged 9 and 11, entered the regulator house at a natural gas well in the southeastern part of the city to see how the gas was made. They lighted a match, setting fire to the gas, and now the house is in flames and the lads are at home frightfully burned. One will lose his life and the other one's life is in great danger, while a large leak in the packing of the well is on fire, and so far it has been impossible to extinguish the flame.

Burglars Shoot an Octogenarian.

McDONOUGH, Ga., May 24.—Adam Sloan, a prominent merchant and pioneer citizen of this place, is lying at the point of death from wounds inflicted by burglars. Sloan went to bed Sunday night with \$500 under his pillow. He awoke to find somebody in his room. As he moved the intruder began firing at him. Three bullets found lodgment in Sloan's body. Although 80 years old he still lives, and his only thought seems to be that he saved the \$500.

Lily White Flour.

Makes finest pastry, bread or biscuit. The best is most satisfactory.

DR. PRICE'S
Cream Baking Powder

Used in Millions of Homes—40 Years the Standard.

JUST LIKE AN EEL

Bunkoist O'Brien Escapes from the French Police

HE WAS TOO SLIPPERY TO HOLD

The Wily American Crook Succeeds in Getting Away from His Captors at Havre.

LONDON, May 24.—A later dispatch from Havre says that O'Brien, the notorious American criminal who was captured in that city by the French police, has succeeded in making his escape and is again at large. The police are conducting an active search for him and the vessels in the harbor are closely watched. Notice has also been telegraphed to all the adjoining towns. It is believed that O'Brien will make his way to Belgium, and that his original intention was to proceed to that country. Investigation shows that there is little doubt that a companion of the buncle stealer bribed the detectives who had charge of O'Brien to let him get away. Scotland Yard detectives were preparing to go to Havre to identify O'Brien when the news arrived that he had escaped. The commissary of police at Havre is greatly stirred up on account of O'Brien having got away, and he has not only called all his subordinates to account, but has telegraphed to every port in France a description of the man.

FAVA TO THE PRESIDENT.

Greetings Exchanged Over the Resumption of Diplomatic Relations.

WASHINGTON, May 24.—Baron Fava, the Italian minister, made a formal call on President Harrison Monday morning in company with Secretary Blaine. There were no particular formalities and no set speeches. Baron Fava took occasion, however, to inform the president that his sovereign, the Italian government, and the Italian people alike were greatly pleased and satisfied by the settlement of the recent difficulty in a manner so honorable to both Italy and the United States. In referring to his former service in Washington he remarked that he had earnestly endeavored during a residence of eleven years to strengthen the ties of friendship happily existing between the two countries, and he hardly need add that, with the aid of the president and of his government, he would continue his best efforts in that direction, not forgetting above all the sympathy which the United States has historically had for Italian unity. The president replied in substance that he was personally and officially gratified at the return of Baron Fava, whose services in promoting good relations between Italy and the United States had been highly appreciated. The president added with earnestness that the differences between the two countries had been settled with honor to both.

TRINITY'S NEW CHIMES.

Four Bells, the Largest in the Country, Purchased for Its Chapel.

NEW YORK, May 24.—Trinity church as bought the largest chime of bells in the United States for its new chapel of St. Agnes on Ninety-second street, between Columbus and Amsterdam avenues. They were made by Clinton H. Mosely, of Troy, and will arrive in this city to-day. There are four bells in the chime, and, although not very large, they will be exceedingly soft and sweet in tone because of the wood-on, instead of metallic, clappers with which they are furnished. The largest of the bells weighs 6,700 pounds, is 68 inches in diameter and 66 inches high. The next weighs 3,000 pounds and has a diameter of 53 inches. The other two bells weigh 2,000 and 1,500 pounds respectively, and have diameters of 46 and 43 inches.

Wondered Through Space.

CHICAGO, May 24.—A meteoric stone, 3 by 9 inches in size, and shaped something like a pear, fell through the roof of the dwelling of W. H. Twitchell, at about noon Saturday. It is as hard as flint, but porous, the surface is rough, the edges jagged, and the color that of coal ashes. One corner is broken off, and the fractured surface is of a darker tint than the rest. It smells like hot ashes. It did not make its way entirely through the roof, but was held to the ceiling by some broken laths until taken down. It weighs 5 1/2 pounds.

When Traveling.

Whether on pleasure bent, or business, take on every trip a bottle of Syrup of Figs, as it acts most pleasantly and effectively on the bowels, liver and bowels, preventing fevers, headaches and other forms of sickness. For sale in 50 cents and \$1 bottles by all leading druggists.

The Owashtanong Sale.

The sale at the Owashtanong club rooms will continue today. At 10 o'clock the imported delicacies and canned goods in the provision room and the remainder of the wines, ales and bulk liquors in the store room will be sold. The unsold goods include all the champagnes, Bass, McEwan & Smith's ales, imported Kaiser beer, Tom gin, Scotch whisky, mineral water, etc. At 2 o'clock the sale in the parlors will continue. A piano, the elegant dining-room furniture and sideboard, the silverware and china, together with the parlor carpets and a number of fine pictures and bric-a-brac still remain unsold.

Several parties have already arranged to go to Niagara Falls on the excursion given under the auspices of the Press club, June 1. The fare for the round trip is placed at \$4, tickets good to return on any regular train within five days.

Hark! I hear the mothers ang. Field's Worm Powders is just the thing. Pleasant to take, acting mild. By their use they cured my child. Ask your druggist for them.

AMUSEMENTS

POWERS' GRAND OPERA HOUSE

SPECIAL.

A Great Attraction at Reduced Prices.

Special engagement one week only, commencing

SUNDAY—MAY 29.—SUNDAY.

The Greatest and Most Powerful

Musicalist of the Age,

DR. HERBERT L.

FLINT!

In a series of interesting and amusing exhibitions playing to the capacity of the theater, and creating sensations everywhere. Re-neged at Detroit Opera House for a second week on account of people unable to gain admission, creating more fun than any Circus, Musical or Comedy Co.

Special Prices—10, 25, 50 and 100.

Male of seats opens at box office on Saturday.

EDMOND GRAND OPERA HOUSE

BRADY & GARWOOD, Lessees and Managers.

C. S. BURROUGHS, Acting Mgr.

ONE WEEK { Commencing } MAY 22

Matinees—Tuesday, Thursday and Saturday.

EVANS & HOAG'S

Comedy Co.

THE NEW

MULDOON'S PICNIC

Presenting a new, novel and

entertaining musical comedy.

Grand Street Parade at 12 M.

PROF. EVANS' UNIFORMED

BRASS BAND.

SMITH'S OPERA HOUSE.

WILLIAM B. SMITH, Proprietor and Manager.

The Only Recognized Vaudeville Theatre in the City.

ONE WEEK { Commencing } MAY 23

Matinees—Wednesday, Friday, Saturday.

The Acme of the Profession. New

Bright and Sparkling. Engaged

at an enormous salary, and

will positively appear.

MILLE LORRETTA

The Aerial Queen.

The celebrated comedian, Harry

Butworth. The comedy company,

The Melodians. The inimitable

comedians and dancers, Franklin

and Gorman. Our Dutch comique,

Ed. Sanford. The Irish ambassador,

John Tierney. Adel. Etacacori.

Hay Clifton. The Bailey Sisters.

Nellie Jesse, Nellie Scott. A beautiful

Minstrel Score. A Starry Olio.

Concluding with the laughable

comedy.

EUCHERED. ct.

FOR

Fine Husted's Eearly

Michigan

PEACH TREES!

PEAR TREES, Etc.,

Call on or address N. P. HUS-

TED & Co., Lowell, Mich.

"WELL BRED, SOON WED." GIRLS WHO USE

SAPOLIO

ARE QUICKLY MARRIED. TRY IT IN YOUR NEXT

HOUSE-CLEANING.

Our Big

PANSIES

25c.

Per Dozen.

T. R. RENWICK & CO., 123 MONROE ST. 'PHONE 148

DR. M. WHALEN,

RESIDENT VETERINARY SURGEON.

Graduate Ontario Veterinary College and McPherson's

School of Veterinary Dentistry.

Honorary member of the Ontario Medical Society.

Diseases of all Domestic Animals treated. Dentistry and

Surgery a Specialty.

Night or Day Calls by Telegraph or Telephone promptly attended to.

Office at Valley City Inn, 424 South Division Street—

Telephone 734.

HEYMAN & COMPANY.

THE LEADING HOUSE

FURNISHERS,

63 & 65 CANAL ST., WILL

FURNISH A HOME COMPLETE.

MISS I. D. HARTNESS,

Makes a Specialty of

Misses and Children's

DRESS AND

CLOAK-MAKING,

Rooms 7 and 8 The Gilbert.

(Elevator in use.)

Corner Monroe and Spring Streets.

PHYSICIANS.

J. J. RICE, M.D.

SPECIALIST.

Chronic, Blood and Nervous Diseases

OFFICE HOURS:

10 to 11 a.m. 1 to 4 p.m. 7 to 8 p.m.

TELEPHONE.

ROOMS 20, 21 NEW ALDRICH BLOCK.

Grand Rapids, Mich.

DR. MANNING A. BIRGE

DENTIST.

Special attention given to the treatment of

children's teeth, with a view to the prevention

of correction of irregularities.

Office 37 and 38 The Gilbert

DR. D. MILTON GREENE

Practitioner Confined to Diseases of the

EYE, EAR, NOSE AND THROAT

NO. 147 MONROE ST.

New Kendall block, opp. Soldiers' Monument.

Office Hours—9 to 12 a.m., 2 to 5 p.m. Even-

ings by appointment. Sundays 12 till 1. Tele-

phone: At office 67, residence 107.

DR. M. H. PASCO,

No. 502 Cherry-st., Grand Rapids.

HOURS—10 to 12 a.m.; 2 to 4 and 7 to 8 p.m.

Sundays, 12.30 to 1.30 p.m.

Telephone 102.

Diseases of the Mind and Nervous System

and Gynecological Cases of a nervous origin

a specialty.

D. EMMETT WELCH

Practice Limited.

Nose, Throat Eye and Ear

79 Monroe Street.

GRAND RAPIDS, MICHIGAN.

SEND FOR CATALOGUE.

COMBINATOR SAFETY, and other

Black, Blue, Green, Red, Yellow, and

White, and all other colors, and

all other colors, and all other colors,

and all other colors, and all other colors,

and all other colors, and all other colors,

and all other colors, and all other colors,

and all other colors, and all other colors,

and all other colors, and all other colors,